



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

*We strive to be caring, professional and fair*

To: The Monroe County Planning Commission

From: Steven Biel, Sr. Planner *LB*  
Ralph Gouldy, Sr. Administrator of Environmental Resources

Through: Townsley Schwab, Acting Sr. Director of Planning & Environmental Resources *TS*

Date: September 23, 2008

Subject: *Request for approval of a Minor Conditional Use Permit by Habitat for Humanity of Key West and the Lower Keys for property located on the Overseas Highway, between Sapphire & Emerald Drives, Big Coppitt Key, Real Estate No. 00156320.000000*

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**Meeting: October 8, 2008**

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I REQUEST:

The applicant is requesting a minor conditional use permit in order to construct four (4) triplexes consisting of a total of twelve (12) deed-restricted, employee housing units. Three of the triplexes would each contain three (3) units with 3-bedrooms and 2½ baths. The remaining triplex would contain three (3) units with 2-bedrooms and 2½ baths.



Subject Property, Overseas Highway, Big Coppitt Key, (2006)

1 Location:

- 2 1. Address: US 1, between Sapphire and Emerald Drives, Big Coppitt Key, MM 10.5  
3 2. Legal Description: Part Tract B, Porpoise Point Section 5, PB5-119  
4 3. Real Estate Number: 00156320.000000  
5

6 Applicant:

- 7 1. Owner: Monroe County  
8 2. Agent: Bob Calhoun, Habitat for Humanity of Key West and the Lower Keys  
9

10 II RELEVANT PRIOR COUNTY ACTIONS:  
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12 The Property Appraiser's records show the subject property was conveyed to the County in  
13 December 2005. At an October 2005 Board of County Commissioners (BOCC) meeting, the  
14 BOCC directed Housing and Community Development staff to advertise a Request for  
15 Qualifications (RFQ) for the development of ten workforce housing units on the subject  
16 property. At a December 2007 BOCC meeting, the BOCC awarded the project to Habitat for  
17 Humanity.  
18

19 As part of the application submittal, the applicant has requested the Planning Commission  
20 hold a public hearing in order to provide surrounding residents with an additional opportunity  
21 to provide public input. In accordance with MCC §9.5-68(f), staff has scheduled the  
22 application for approval or denial by the Planning Commission at the October 8, 2008  
23 meeting.  
24

25 The applicant's request for a minor conditional use permit was reviewed by the Development  
26 Review Committee (DRC) at their August 5, 2008 meeting. Staff and the DRC made several  
27 comments and suggestions, and the applicant incorporated those comments and suggestions  
28 into a revised site plan for review by the Planning Commission.  
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30 III BACKGROUND INFORMATION:  
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- 32 A. Size of Site: 36,838 ft<sup>2</sup> (0.845 acres)  
33 B. Land Use District: Sub Urban Commercial (SC)  
34 C. Future Land Use Map (FLUM) Designation: Mixed Use / Commercial (MC)  
35 D. Tier Designation: Tier III  
36 E. Flood Zone: AE – EL 10  
37 F. Existing Use: Vacant  
38 G. Existing Vegetation / Habitat of Site: Scarified  
39 H. Community Character of Immediate Vicinity: Mixed Use, residential, commercial and  
40 public uses  
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42 IV REVIEW OF APPLICATION:  
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44 MCC §9.5-65 provides the standards which are applicable to all conditional uses. When  
45 considering applications for a conditional use permit, the Planning Commission shall  
46 consider the extent to which:

1 A. *The conditional use is consistent with the purposes, goals, objectives and standards of the*  
2 *comprehensive plan and the land development regulations:*

3  
4 The proposed development would be consistent with the purposes, goals, objectives, and  
5 standards of the MC future land use category. Policies from the Year 2010  
6 Comprehensive Plan that directly pertain to the proposed development include:

- 7  
8 1. Policy 101.4.5: The principal purpose of the future Mixed Use/Commercial land use  
9 category is to provide for the establishment of commercial zoning districts where  
10 various types of commercial retail and office may be permitted at intensities which  
11 are consistent with the community character and the natural environment. In  
12 addition, employee housing and commercial apartments are permitted.

13  
14 B. *The conditional use is consistent with the community character of the immediate vicinity:*

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16 The immediate vicinity consists of a mix of uses including residential to the north of US  
17 1, commercial and public uses on US 1, and another Habitat for Humanity project  
18 (currently under construction) containing 18 units approximately 800 feet to the northeast  
19 on US 1. The conditional use would be consistent with the surrounding community  
20 character.

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22 C. *The design of the proposed development minimizes adverse effects, including visual*  
23 *impacts, on adjacent properties:*

24  
25 Two of the proposed buildings are oriented with the front of the buildings facing  
26 Sapphire Drive while the other two proposed buildings are oriented with the fronts facing  
27 Emerald Drive. Although the four buildings are oriented in somewhat of a nontraditional  
28 configuration, the rear of the units would all be facing the open space area, which could  
29 create a sense of community.

30  
31 Furthermore, the applicant states that the design of the proposed four buildings would  
32 reflect existing neighborhood design and "Key West-style" architecture. Therefore, the  
33 proposed project would not have an adverse effect on adjacent properties.

34  
35 D. *The proposed use will have an adverse impact on the value of surrounding properties:*

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37 It is not anticipated that the proposed project would have an adverse impact on the value  
38 of the surrounding properties.

39  
40 E. *The adequacy of public facilities and services:*

- 41  
42 1. Roads:

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44 *Localized Impacts & Access Management:* Access to the development would be from  
45 Sapphire Drive and Emerald Drive. The proposed access drive off Sapphire Drive  
46 would serve the triplex containing the 2-bedroom units and one of the triplexes

1 containing the 3-bedroom units. The proposed access drive off Emerald Drive would  
2 serve the remaining two triplexes containing the 3-bedroom units. There would be no  
3 direct access to or from US 1.

4  
5 *Level of Service (LOS):* The applicant submitted a traffic analysis report that has not  
6 been certified by a licensed traffic engineer. The applicant has been made aware the  
7 traffic analysis report has to be certified by a licensed engineer and has indicated to  
8 staff that the report will be certified.

9  
10 The traffic report submitted by the applicant indicates the proposed development  
11 would generate approximately 70 trips per weekday and would be split between the  
12 two driveways (on Sapphire and Emerald Drives).

- 13  
14 2. Stormwater: The applicant shall coordinate with the County Engineer and/or South  
15 Florida Water Management District (SFWMD) to determine compliance. The  
16 applicant submitted drainage calculations prepared by Laird Ueberroth, RA &  
17 Associates.  
18  
19 3. Sewer: The applicant shall coordinate with the Monroe County Health Department  
20 and/or the Florida Department of Environmental Protection (FDEP) to determine  
21 compliance. The applicant has stated in their application that "sewer is under  
22 construction or will be created at the developer's expense". Furthermore, the  
23 applicant indicates that by the time this proposed project built the central sewer will  
24 have been installed by the County.  
25  
26 4. Emergency Management: The applicant shall coordinate with the Office of the Fire  
27 Marshal to determine compliance with the Florida Fire Prevention Code, the National  
28 Fire Protection Code and the Life Safety Code.

29  
30 F. *The Applicant has the financial and technical capacity to complete the development as*  
31 *proposed:*

32  
33 It is stated in the application that Habitat fir Humanity is experienced in the development  
34 and construction of affordable employee housing. Staff has no evidence to support or  
35 disprove the applicant's financial and technical capacity.

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37 G. *The development will adversely affect a known archaeological, historical or cultural*  
38 *resource:*

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40 The proposed development would not adversely affect a known archaeological, historical  
41 or cultural resource.

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43 H. *Public access to public beaches and other waterfront areas is preserved as part of the*  
44 *proposed development:*  
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Public access means the ability of the public to physically reach, enter or use beaches and shores. The subject property contains an approximate 50-foot canal to the rear of the property. As this property is undeveloped, access to the canal has been unavailable. The applicant is proposing an open space area that would be adjacent to the canal. In addition, the applicant has shown on the site plan an elevated observation platform overlooking the canal. However, there would be no dockage or boat access to the water.

I. *The project complies with all additional standards imposed on it by the Land Development Regulations:*

1. Residential Rate of Growth Ordinance (ROGO) (§9.5-120): *In compliance.*

The project shall require 12 affordable housing unit allocations. Resolution No. 184-2007 (extension) and Resolution No. 47-2008 were approved by the Board of County Commissioners for the ROGO allocations.

2. Non-Residential Rate of Growth Ordinance (NROGO) (§9.5-124): *In compliance.*

No non-residential floor area is existing or proposed.

3. Purpose of the SC District (§9.5-206): *In compliance.*

The purpose of the SC District is to establish areas suitable for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located.

4. Permitted Uses (§9.5-235): *In compliance following the receipt of required conditional use permit.*

In the SC District, attached residential dwellings involving six (6) to 18 units, designated as employee housing as provided for in MCC§ 9.5-266 may be permitted with a minor conditional use permit.

5. Residential Density (§9.5-262): *In compliance.*

Land Use Intensity:

Land Use	Max Net Density	Size of Site	Max Allowed	Proposed	Potential Used
Employee Housing	18 units / buildable acre	0.845 total acres / 0.68 buildable acres	12 units	12 units	100%

Pursuant to MCC §9.5-266, notwithstanding the density limitations in MCC §9.5-262, employee housing on parcels classified as SC may be developed at an intensity up to a maximum net residential density of 18 dwelling units per buildable acre.

6. Required Open Space (§9.5-262 & §9.5-347): *In compliance.*

In the SC District, there is a required open space ratio of 0.20 or 20%. Within the shoreline setback, there is an open space ratio of 0.40 or 40%.

The proposed site plan states the parcel size as 36,838 ft<sup>2</sup> with development comprising 18,403 ft<sup>2</sup>, or 50%. While it appears that the sidewalk areas may not have been included in the development totals, it is evident that the open space requirements shall be met.

7. Minimum Yards (§9.5-281 & §9.5-349): *Not in compliance.*

The required setbacks in the SC District are as follows: Front yard – 25 feet; Rear yard – 10 feet; and Side yard – 10/15 feet (where 10 feet is the required side yard for one side and 15 feet is the minimum total of both side yards).

The property has required front yard setbacks of 25 feet along the rights-of-way of US 1, Sapphire Drive and Emerald Drive. There is a 10 foot rear yard setback along the non-shoreline property line to the north.

The applicant has submitted a variance request to allow two of the buildings to be partially located in the front yard setback along US 1 and to allow the overflow parking spaces to be located in the front yard setbacks along Sapphire Drive and Emerald Drive.

8. Maximum Height (§9.5-283): *Full compliance to be determined by submittal to the Building Department.*

The building elevations indicate that the building height would be approximately 32 feet, 11 ½ inches (from finish floor to top of ridge). The finished grade elevation would be 4 feet and the finished ridge elevation would be 36.95 feet.

9. Surface Water Management Criteria (§9.5-293): *Compliance to be determined by the County Engineer or South Florida Water Management District prior to issuance of a building permit.*

10. Wastewater Treatment Criteria (§9.5-294): *Compliance to be determined by Florida Department of Health or Florida Department of Environmental Protection prior to the issuance of a building permit.*

11. Fencing (§9.5-309): *Compliance to be determined upon submittal to Building Department.*

The applicant is proposing a five foot high, masonry fence around the entire parcel. Compliance of the fence with height, setback and clear sight triangle requirements will be determined upon submittal of an application to the Building Department.

12. Floodplain Management (§9.5-316.1 & §9.5-317.1): *Compliance to be determined upon submittal to Building Department.*

The site is designated within AE – EL 10 flood zone on the Federal Emergency Management Agency (FEMA)'s flood insurance rate maps. All new structures must be built to floodplain management standards that meet or exceed those for flood protection. New construction of any residential structure within an AE flood zone shall have the lowest floor elevated to or above base flood level, or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is water-tight.

13. Energy Conservation Standards (§9.5-326): *In compliance.*

The applicant has indicated that all water dispensers will be high efficiency conservation devices. In addition, the buildings will be constructed to conserve energy through the utilization of ceiling fans, insulation, overhangs, and canopy trees. The landscaping plan shows approximately 100% of the species to be native, which would reduce the requirements for water and maintenance, the installation of several shade trees, and the provision of structural shading.

14. Potable Water Conservation Standards (§9.5-327): *Compliance to be determined upon submittal to Building Department.*

15. Required Parking (§9.5-352): *In compliance.*

Required Parking:

Specific Use	Multiplier	Proposed	Required Spaces
Employee Housing	1.5 spaces / employee housing unit	29 spaces	18 spaces

For each unit there would be one parking space under the first floor and one space outside in front of each unit. The site plan also shows there would be 5 overflow parking spaces if a variance is approved.

*Handicap Parking:* Compliance to be determined upon submittal to the Building Department.

16. Required Landscaping (§9.5-361, §9.5-362, §9.5-363 & §9.5-364): *In compliance.*

Parking is indicated as beneath each building. The site plan indicates five off-street parking spaces. There is no requirement for parking lot landscaping when less than six spaces are proposed.

17. Required Buffer-yards (§9.5-377, §9.5-378 & §9.5-379): *In compliance.*

A Class 'D' district boundary bufferyard is required between the SC development and the IS district to the north. The applicant has proposed 80% of the required width for

the bufferyard, as allowed when a solid fence is provided. The proposed vegetation is 100% native.

Required Street Trees along Emerald and Sapphire Drives have been provided.

A Class 'C' major street bufferyard is required along US 1. The applicant has proposed a 25 foot wide bufferyard. However, due to encroachment of two of the structures, as well as drives, into this area, the planting requirements of a 20 foot wide bufferyard will be required, consisting of 11 canopy trees, 5 understory trees, and 45 shrubs, increasing what is proposed by 1 canopy tree and 40 shrubs. The proposed vegetation is 100% native.

18. Shoreline Setbacks (§9.5-349): *In compliance.*

A setback of 20 feet is required for principal structures adjacent to manmade canals, which is shown on the revised site plan.

19. Outdoor Lighting (§9.5-391, §9.5-392 & §9.5-393): *Compliance to be determined upon submittal to Building Department.*

20. Access Standards (§9.5-421 §9.5-422 & §9.5-427): *Compliance to be determined upon submittal to Building Department.*

Direct access shall be provided to the property by way of Sapphire Drive and Emerald Drive.

21. **Traffic Study (§9.5-426): *Compliance to be determined.***

A certified traffic report was submitted and is under review by the County's traffic consultant. The report concludes the twelve (12)-unit development would add seventy (70) daily trips per day.

22. Clear Sight Triangle (§9.5-427): *Compliance to be determined upon submittal to Building Department.*

23. Chapter 533, Florida Statutes: *Full compliance to be determined upon submittal to the Building Department.*

V RECOMMENDED ACTION:

Staff recommends APPROVAL of the minor conditional use permit to the Director of Planning & Environmental Resources with the following conditions:

- A. Prior to the issuance of a resolution by the Planning Commission, a) the applicant shall receive a variance to the setback and/or bufferyard requirements from the Planning Commission in accordance with §9.5-524 of the Monroe County Code or b)

1 the Applicant shall revise the site plan to show that all setback and bufferyard  
2 regulations shall be met.  
3

4 B. Prior to the issuance of a resolution by the Planning Commission, the traffic report  
5 submitted by the applicant shall be approved as to the findings and methodology of  
6 the report by the county's traffic consultant.  
7

8 C. Prior to the issuance of a building permit, the proposed development and buildings  
9 shall be found in compliance by the Monroe County Building Department, the  
10 Monroe County Floodplain Administrator, the Monroe County Engineer and the  
11 Monroe County Office of the Fire Marshal.  
12

13 D. All of the employee housing units shall be deed restricted as affordable employee  
14 housing units as set forth in §9.5-266 of the Monroe County Code. Occupants of the  
15 employee housing units must meet all requirements for occupancy of employee  
16 housing and affordable housing as set forth in the Monroe County Code.  
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18 VI PLANS REVIEWED:  
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- 20 A. Site Plan (S-1) by Laird Ueberroth, RA & Associates, dated June 8, 2008;  
21 B. Landscape Plan (L-1) by Laird Ueberroth, RA & Associates, dated June 8, 2008;  
22 C. Two Bedroom Triplex Unit Plans (A-5-A-8) by Laird Ueberroth, RA & Associates,  
23 dated June 8, 2008;  
24 D. Three Bedroom Triplex Unit Plans (A-15-A-18) by Laird Ueberroth, RA & Associates,  
25 dated June 8, 2008;  
26 E. Boundary Survey by R.E. Reece, P.A. dated September 15, 2005;  
27 F. Site Plan (S-1) by Laird Ueberroth, RA & Associates, revision dated June 8, 2008.